

**LOEVY & LOEVY**

David B. Owens, State Bar No. 275030

Jon Loevy

Steven Art

Alison R. Leff

311 N Aberdeen St, 3rd Fl

Chicago, IL 60607

(312) 243-5900

**SCHONBRUN SEPLow HARRIS**

**HOFFMAN & ZELDES, LLP**

Michael D. Seplow, State Bar No. 150183

9415 Culver Blvd #115

Culver City, CA 90232

(310) 396-0731

*Attorneys for Plaintiff*

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

GERARDO CABANILLAS,

Plaintiff,

v.

CITY OF SOUTH GATE, et al.

Defendants.

Case No. 2:24-cv-08027-ODW-BFM

**MOTION TO EXTEND HEARING  
DATE AND BRIEFING SCHEDULE  
FOR CITY'S MOTION TO  
DISMISS**

Honorable Otis D. Wright II

Comes Now Plaintiff, Gerardo Cabanillas, by and through counsel, and  
hereby respectfully states:

1. On September 30, 2025, the City of South Gate filed a renewed motion to dismiss the *Monell* claims in this case, this time seeking dismissal of Plaintiff's Second Amended Complaint. Dkt. 155.
2. The City noticed the hearing on that motion for October 27, 2025. *Id.*

3. Plaintiff's response is currently due today, October 6, 2025.
4. This Court previously struck the County's motion to dismiss the *Monell* claim on the basis that the City had not complied with the local rules requiring conferral before filing a motion.
5. The parties have now been conferring about the *Monell* issues and are discussing a substantive stipulation concerning potential resolution of the *Monell* claim in exchange for certain guarantees concerning payment of any judgment, if entered, against any South Gate officer.
6. Those conversations are ongoing but slowed due to South Gate's counsel being out of office for the last few days (including today). On October 1, 2025, Plaintiff's counsel provided a draft agreement to Defense counsel. Plaintiff's counsel sent a reminder about the filing. Defense Counsel, still out of office, wrote earlier today, indicating that (1) the City does not oppose the relief sought in this motion, and (2) the potential stipulation concerning the *Monell* claim would be discussed with his clients as soon as practicable. Should the parties reach agreement on the *Monell* issues, the motion to dismiss will be moot.
7. The City's Counsel asked to see a stipulation concerning the extension of time sought in this motion, which was provided this afternoon. At the time of this filing, nearing 10:30 p.m., Plaintiff has not received a response and is now filing what was going to be a stipulation as a motion Plaintiff genuinely believes is unopposed.
8. To allow that process to continue, Plaintiff respectfully requests that this Court: extend the hearing date and briefing schedule by two weeks, making

1 Plaintiff's response deadline October 20, 2025; the reply deadline October  
2 27, 2025 and the hearing be set for November 10, 2025.

3 Dated: October 6, 2025

4  
5 BY: /s/David B. Owens

6  
7 **Schonbrun Seplow Harris**  
8 **Hoffman & Zeldes, LLP**

9 Michael D. Seplow, State Bar No.  
10 150183

11 *msepflow@sshhlzlaw.com*

12 9415 Culver Blvd #115

13 Culver City, CA 90232

14 (310) 396-0731

15 **Loevy & Loevy**

16 David B. Owens, State Bar No.  
17 275030

18 Jon Loevy\*

19 Steven Art\*

20 Alison R. Leff\*

21 311 N Aberdeen St, 3rd Fl

22 Chicago, IL 60607

23 (312) 243-5900